

# Report of Incident/Complaint

8/8/2012

**Incident Date:** 10/30/2009  
**Incident Id:** 358662  
**Incident Type Desc:** Misc. Complaint  
**DEP Region:** Southern - HW  
**Incid Link ID#:** 124580  
**Program:** Hazardous Waste  
**Recd Date Time:** 11/5/2009 11:04:57  
**Incident Status Desc:** Continuous  
**Trenton Dispatch Num:** 09-11-05-1104-57

## Substances Involved

### Incident Description

UNKNOWN LIQUID COMING OUT OF DRUMS AND SPILLING ONTO THE GROUND. LOCAL PD REQUESTING ASSISTANCE. Dirt road behind property. Drums in woods; area smells. spills. check site on goggle to get prospective.

Substance	CAS Number	Quantity	Units
UNKNOWN LIQUID		0	unknown
Impacts To:	Land	Waterbody:	

### Incident Location

### Follow-Up Priority:

SUPERIOR BARREL & DRUM

**Addr:** NEW JERSEY AVE

**Municipality:** Elk Twp

**County:** Gloucester

**Block, Lot:**

### Incident Source/Responsible Party

**Name:** SUPERIOR BARREL & DRUM

**Phone #:** 856-881-5866

**Verified:**

**Addr:** 798 JACOB HARRIS RD

**Munic:** Glassboro Boro

**County:** Gloucester

**State:** NJ

**Permit/Case#:**

**Reported By:** ELK TWP PD

**Addr:**

**Phone #:** 856-881-6525 E

**Name:** LT. GARRISON

**Confidential:**

**Municipality:** Elk Twp

**County:** Gloucester

**Case Status:** Pending

**as of:** 6/6/2011

**Lead DEP Investigator/Contact:** Farrell, Tom

## Action/Activity

Task	Assigned Staff	Due Date	Completed Date	Hrs Spent	Incident Action Comments	Organization	User ID Last Updt	D/Time Last Updt
Notification - Office			11/5/09			ER2	PTAYLO1	7/15/10 14:31
Notification - Fax			11/5/09			NJDOH - HAZMAT	PTAYLO1	7/15/10 14:31
Assigned	Farrell, Tom					Haz Waste - South	PTAYLO1	7/15/10 14:31

*best timeline*

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Task	Assigned Staff	Due Date	Completed Date	Hrs Spent	Incident Action Comments	Organization	User ID Last Updt	Dt/Time Last Updt
Perform Investigation	Farrell, Tom		11/9/10	12	Reviewed Emergency Response's report which noted the described spilled material as fruit juice. Visited site and found several 250 gallon totes and 55-gallon drums containing rinse water from the drum re-conditioning process. Met with owner and operator, Mr. Thomas Toy, on 11/9/10 who confirmed that the containers of rinse water were wastes, however, it was his understanding, based on historical disposal of these materials, that the wastes were non-hazardous. Advised Mr. Toy that even if the wastes were non-hazardous, the Solid Waste regulations do not allow such accumulations. Although the majority of the containers that are cleaned at this site held residual food products, since some containers of resins are cleaned, Mr. Toy agreed to embark on a waste characterization and removal project. Returned to the site a few weeks later with Pete Taylor of NJDEP and Jim Wood of the Gloucester County Health Department. Mr. Toy had noted that he had engaged the help of a consultant to manage the waste removal project. Mr. Taylor and I performed field tests on several containers. These tests did not confirm the existence of any hazardous wastes, however, it was reiterated to Mr. Toy of the need to remove all wastes in as timely a manner as is feasible, to which Mr. Toy again agreed.	Haz Waste - South	TFARRELL	4/25/11 12:32
Review and Approve	Taylor, Peter					Haz Waste - South	PTAYLO1	7/15/10 14:31
Perform Investigation	Farrell, Tom		1/25/11	6	Returned to the site on 1/25/11 to check on progress. Several truck loads of empty totes had been removed. Access to the remaining containers was significantly improved. Freezing temperatures were precluding sampling of frozen materials in the containers, however, Mr. Toy's consultant has reportedly been at the site three days per week working on management issues associated with this waste removal project. Requested and Mr. Toy agreed, that weekly updates would be provided to this Inspector.	Haz Waste - South	TFARRELL	4/25/11 12:51
Perform Investigation	Farrell, Tom		3/18/11	3	Progress check performed on site. Met with Tom Toy, owner, and his consultant, Jack Probst. Observed continued progress on removal of solid waste debris and scrap metal with improved access to containers of rinsate. Discussed waste characterization approach while conferencing in Supervisor, Pete Taylor. Project appears to be on a reasonable schedule.	Haz Waste - South	TFARRELL	4/25/11 12:51

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Perform Investigation	Farrell, Tom		4/25/11	3	Progress check performed on-site. Met with Tom Toy, owner, and his consultant, Jack Probstein. Continued improvement on solid waste and recyclable material removal observed along with improved access to container storage areas. Samples of waste rinsate have been collected. To date, these sample results have reportedly all indicated non-hazardous wastes present. Observed the above ground tanks planned to be used to consolidate non-hazardous waste rinsate. These tanks are to be staged on existing concrete pad once they have been appropriately prepared and the pad cleared. Solicitations from a non-hazardous- solid waste registered waste removal company has reportedly been completed. This company will reportedly verify the waste characterization of consolidated rinsate to be staged in up to two 5,000 gallon capacity above ground storage tanks. Once the expected non-hazardous waste characterization is confirmed, the waste will be removed via tanker truck. Mr. Toy anticipates that the first waste load may be able to be removed by this June, 2011.	Haz Waste - South	TFARRELL	4/25/11 12:51
Perform Investigation	Farrell, Tom		5/26/11	3	Progress Check performed. Met with Jack Probstein, consultant for owner, Tom Toy. Tom Toy was not on site. Informed Mr. Probstein that, while a significant amount of site clearance has been performed, progress is not satisfactory to the Department. The above ground tank slated to facilitate the efficient consolidation and removal of stored liquids has not yet been staged. Several drums and totes containing rinsate were still left open and exposed to precipitation. These containers were to be covered as promised during the April 2011 Progress Check. Observed a leak from the facility's boiler, tested it for pH - was neutral, warm water. The leaking water was dripping onto the facility grounds. Advised Mr. Probstein of situation wherein he promptly contacted an employee and informed me the water leak would be stoped within the hour. Advised Mr. Probstein that I would be returning to the site shortly with my Supervisor, Pete Taylor.	Haz Waste - South	TFARRELL	6/6/11 11:57

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Perform Investigation	Farrell, Tom		6/6/11	3	Progress Check performed with Pete Taylor. Pete Taylor and I met with Jack Probststein, consultant for Tom Toy, owner. Mr. Toy was not on site. Readily observable containers previously found to be exposed to precipitation were covered with tarps. The boiler leak was on going and extended a pool of water approximately 50 feet which was encroaching on an area of steel drums containing rinsate. Mr. Probststein was advised that he must stop the boiler leak to prevent it from contacting any containers. Additional trailers have been removed as scrap and totes containing rinsate have been consolidated and inventoried. A concrete pad to stage the 5,000 gallon tank slated to store the rinsate to facilitate its removal has been cleared. Mr. Taylor informed Mr. Probststein of the potential fines to be issued if rinsate removal does not begin this month and continue in a steady fashion. Mr. Probststein stated that he understands the urgency to move forward and that he will relay this information to Mr. Toy.	Haz Waste - South	TFARRELL	6/6/11 11:57
Perform Investigation	Farrell, Tom		6/20/11	5	Progress Follow-up. Walked site with Jack Probststein, Tom Toy's consultant on this project. Observed approximately 60 to 66 totes being prepared for removal. To date, tested wastes to be removed have indicated that they are non-hazardous. Observed disposal companies analytical parameters to ensure that the waste is indeed non-hazardous. These parameters were appropriate. Jack noted that the noted totes are expected to be removed in two loads, starting on 6/22/11. He expects that totes can be emptied at a rate of approximately 12,000 gallons per month. Again asked Mr. Probststein for the complete inventory of wastes to be removed from both totes and drums. Not having this in hand, Mr. Probststein and I walked the site for a gross estimate. Asked for a more accurate inventory and proposed schedule for removal of such wastes by 6/24/11. Mr. Probststein agreed to provide same. Also asked for all paperwork documenting the appropriate testing and removal of said wastes, to which Mr. Probststein agreed.	Haz Waste - South	TFARRELL	6/22/11 17:03

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Task	Assigned Staff	Due Date	Completed Date	Hrs Spent	Incident Action Comments	Organization	User ID Last Updt	Dt/Time Last Updt
Perform Investigation	Farrell, Tom		8/22/11	4	Performed site visit for progress report follow-up: Met with owner Tom Toy and walked the site with him. Significant progress made with the removal of totes containing non-hazardous wastes. Reviewed non-hazardous waste manifests addressing the removal of approximately 37,000 gallons of drum rinsate wastes from totes. Next shipment is expected in approximately one week from the last shipment of August 12, 2011. Water boiler leak still occurring. A pan was observed under the leak which is reportedly emptied into the toilet, however, this pan was overflowing at the time of this inspection. The leak is causing ponding at the site and may be influencing the amount of water accumulating on the south side of the site. Mr. Toy was informed that this condition must be mitigated to which he agreed. Observed an apparent old soil pile with a pipe in it southeast of the process building. Mr. Toy said he has accepted soils from "pipeline excavation jobs" in the past.	Haz Waste - South	TFARRELL	9/26/11 16:42
Perform Investigation	Farrell, Tom		10/18/11	3	On 10/18/11 met with Tom Toy. Walked site. Observed approximately twenty 250 gallon totes lined up in the southeast end of the site, just to the north of where several 55-gallon drums are stored, the number of which has been obviously reduced. Mr. Toy explained that he has transferred the contents of several 55-gallon drums into the observed totes to facilitate future removal. Mr. Toy also noted that the disposal facility for which he has already sent approximately 37,000 gallons of the subject non-hazardous waste, has encountered a problem with their treatment system. This disposal facility is due to come in on 10/20/11 to take additional samples of Mr. Toy's waste stream to determine if his waste is causing the problem with their treatment system or others are. As such, no wastes have been removed since the last shipment of August 12, 2011. Mr. Toy was advised and agreed to contact this inspector should any such problems arise in the future. Mr. Toy also stated that he would seek quotes from another disposal vendor in the event that a solution can not be worked out with his current one.	Haz Waste - South	TFARRELL	10/20/11 14:36


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Perform Investigation	Farrell, Tom		10/27/11	3	Performed site visit. Met with Tom Toy and his consultant, Jack Probststein. Mr. Toy noted that the disposal company which he has been currently using has indicated that they have raised their rates approximately four fold. Mr. Toy stated that another vendor is coming to his site next Tuesday to collect samples to formulate a quote. I noted to Mr. Toy that his boiler is still leaking and puddling with runoff entering the adjacent woods. Mr. Toy noted that he has plans to either fix it or dismantle it depending on a quote he is waiting on to ship incoming drums off-site for cleaning. I asked Mr. Toy to call me as soon as the resumption of waste removal is scheduled to which he agreed.	Haz Waste - South	TFARRELL	10/27/11 12:02
Perform Investigation	Farrell, Tom		11/29/11	3	Performed site visit and met with Mr. Toy. Noted the contents of several additional 55-gallon drums which were staged both adjacent to the south side of the process building and at the southern end of the site had been transferred to 250 gallon capacity totes. These totes have been staged for easy access such that a vacuum tanker should have no problem extracting the fluids from them as complete vehicular access around the process building is now possible. Mr. Toy stated that he has recieved an appropriate quote from a new disposal vendor yet he has not ordered a pick up as he is due for cancer surgery. I informed him that if he could not attend to the waste removal process he would need to delegate this action or the Department would commence with enforcement action. Mr. Toy agreed to order the pick up today. I explained to Mr. Toy that he would also need to submit a schedule of proposed actions. I also noted that the failure to repair the boiler water leak potentially could exacerbate environmental conditions leading to more costly future site remediation cleanup costs.	Haz Waste - South	TFARRELL	11/29/11 12:16
Perform Investigation	Farrell, Tom		1/4/12	3	Performed site visit. Met with owner, Tom Toy. Tom noted documentation indicating two tanker truck loads of non-hazardous waste water were pumped from totes and disposed of at a vendor's facility in December 2011. Tom noted that he anticipates sending out two such loads per month. Facility appearance is significantly improving. Removal of all legacy waste containers is estimated to take several more months. The next load to be removed is reportedly scheduled for January 5, 2012. Mr. Toy indicated that he would fax the disposal documentation to me.	Haz Waste - South	TFARRELL	1/4/12 14:26

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Task	Assigned Staff	Due Date	Completed Date	Hrs Spent	Incident Action Comments	Organization	User ID Last Updt	Dt/Time Last Updt
Perform Investigation	Farrell, Tom		1/19/12	3	Performed Site Visit. Met with owner Tom Toy and his consultant Jack Probststein. On this date, Superior Barrel & Drum had 6,100 gallons of spent washing fluids classified as a non-hazardous waste removed from totes into a tanker truck. Mr. Toy indicated that he is in the process of setting up the next load removal and anticipates keeping the schedule of removing such wastes approximately every two weeks.	Haz Waste - South	TFARRELL	1/19/12 13:02
Perform Investigation	Farrell, Tom		2/1/12	2	Performed site visit. Met with owner, Tom Toy. Mr. Toy stated that he has a load of waste water due to be removed on 2/16/12. Walked site and noted some improvement to facility housekeeping. Advised Mr. Toy that I would be returning to ensure that progress continues.	Haz Waste - South	TFARRELL	2/1/12 16:53
Perform Investigation	Farrell, Tom		3/1/12	3	Performed site visit. Met with owner, Tom Toy. Mr. Toy provided a copy of the Bill of Lading for the removal of 6,000 gallons of non-hazardous drum rinsate. Mr. Toy stated that today (March 1, 2012) is the last day that he will be accepting empty drums for drum clean-outs at this location as his company will be subcontracting out this task. Mr. Toy stated that he will be focused on removing the remaining waste residuals from his site. Site conditions appear to be improving as the volume of residual drum rinsate water is diminishing. I advised Mr. Toy that I will continue to follow up with progress.	Haz Waste - South	TFARRELL	3/1/12 13:27
Assigned						Haz Waste - South	PTAYLO1	8/8/12 10:09

Reporter Comments